

## Exhibit C



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**UNITED STATES PATENT AND TRADEMARK OFFICE**

OFFICE OF THE GENERAL COUNSEL

March 13, 2018

**VIA E-MAIL**

Mr. Andrew Grossman  
Baker Hostetler  
Washington Square  
1050 Connecticut Ave, N.W, Suite 1100  
Washington, DC 20036-5304  
agrossman@bakerlaw.com

**Re: Freedom of Information Act (FOIA) Request No. FP-18-00014 - Fee Estimate for Paragraph One**

Dear Mr. Grossman:

The United States Patent and Trademark Office (USPTO or Agency) FOIA Office received your letter dated, February 12, 2018, requesting copies of various records under the Freedom of Information Act, 5 U.S.C. § 552. The Agency has assigned this request tracking number FP-18-00014. Pursuant to our telephone discussion on February 26, 2018 and your email confirmation dated March 8, 2018, we have agreed to start by issuing a fee estimate for paragraph one of your request and putting the other items on hold until further discussion. Paragraph one specifically requests:

All records from Art Unit 2615 concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request includes without limitation all responsive records from any instant messaging, text messaging, or similar communications system used, with or without PTO authorization, by Art Unit 2615 personnel. This request seeks responsive records created or obtained from January 1, 2012, to the present.

**Commercial Use Request:** As an initial matter, the USPTO has designated your request a commercial use request, which includes, for example, requests intended to further interests through litigation. 37 C.F.R. § 102.11(b)(1). This means you are responsible for all search, review, and duplication fees. 37 C.F.R. § 102.11(c)(1)(i).

**Fee Estimate:** Preliminary estimates indicate that the approximate processing cost for paragraph one of your FOIA request is **\$3,029,782**. This estimate includes estimated search and review time based on a preliminary assessment of the volume of records

potentially responsive to paragraph one of your request and the expected review of these records.

This estimate does not necessarily represent the final cost. Estimates are inherently imprecise, and the final cost could be higher or lower than the amount provided here. However, the estimate provided herein is reasonably calculated to represent search and review costs required to adequately respond to your request. As the search, review, and potential release(s) continue, the USPTO will reassess accurate fees.

Please note that fees are chargeable even when no responsive records are found, or when the records requested are determined to be partially or totally exempt from disclosure. 37 C.F.R. § 102.11(c)(3)(i).

The USPTO recognizes that this fee estimate is unusually high as a result of the extremely broad nature of paragraph one of your request. As we discussed in our February 26, 2018 telephone call, you recognized this and wished to proceed with collecting the fee estimate for paragraph one before making any changes to your request. If you are interested in reducing your fees and targeting the USPTO search, we welcome additional discussions about narrowing the scope of your request within the next 30 calendar days.

**Payment:** Because your estimate exceeds \$250.00, you must pay the entire anticipated fee before the Agency begins processing your request. 37 C.F.R. § 102.11(i)(2).

Please remit, within 30 calendar days of the date of this letter, a check made payable to the “**Department of Treasury**” in the amount of **\$3,029,782**. The payment must be sent to:

United States Patent and Trademark Office  
Freedom of Information Act Officer  
Office of the General Counsel  
P.O. Box 1450  
Alexandria, VA 22313-1450

If payment in the full amount of the initial estimate is not received by **April 12, 2018**, this request will be considered withdrawn and closed. Please contact us before that date, however, if you would like to discuss your request in order to reformulate it to meet your needs at a reduced cost.

Sincerely,



Charletta Blackshear  
USPTO FOIA Specialist  
Office of General Law